

## PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 26, 2009

CALLED TO ORDER: 5:34 p.m.

ADJOURNED: 8:26 p.m.

### ATTENDANCE

#### Attending Members

Ryan Vaughn, Chair  
Vernon Brown  
Bob Cockrum  
Benjamin Hunter  
Mary Moriarty Adams  
Marilyn Pfisterer  
Christine Scales

#### Absent Members

William Oliver

### AGENDA

PROPOSAL NO. 294, 2009 - amends the Code to clarify provisions regarding the Indianapolis Fire Department and to reflect the prevailing operation of the department  
“Postponed” until a time uncertain

Vote: 6-0

### **BUDGET HEARING**

Marion County Public Defender’s Agency  
Department of Public Safety (Excluding IMPD and IFD)  
Office of Director, Emergency Management,  
Animal Care and Control

## PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, August 26, 2009. Chair Ryan Vaughn called the meeting to order at 5:34 p.m. with the following members present: Vernon Brown, Bob Cockrum, Mary Moriarty Adams, Marilyn Pfisterer, and Christine Scales. Absent was William Oliver. Benjamin Hunter arrived shortly thereafter. Representing Council staff was James Steele, Chief Financial Officer (CFO).

PROPOSAL NO. 294, 2009 - amends the Code to clarify provisions regarding the Indianapolis Fire Department and to reflect the prevailing operation of the department

Chair Vaughn said that there are still some ongoing issues that need to be resolved with this proposal and some negotiations are taking place. He asked that the committee postpone the proposal indefinitely, and allow it to be put back on the agenda at least three days prior to a regularly scheduled meeting.

Councillor Brown moved, seconded by Councillor Moriarty Adams, to “Postpone” Proposal No. 294, 2009 until a time uncertain. The motion carried by a vote of 6-0.

[Clerk’s note: Councillor Hunter arrived at 5:40 p.m.]

### **BUDGET HEARING**

#### Public Defender Agency (PDA)

Robert Hill, Chief Public Defender, introduced Deb Green, Chief Operating Officer (COO), PDA, and gave an overview of the Public Defender Agency’s services. His presentation is included as Exhibit A and includes the following key points:

- Within the PDA, there are 135 full-time attorneys, 70 support staff, and 104 part-time contract attorneys.
- Legal intern program was created to utilize law students at reduced pay rates to help do the law work of the PDA.
- Major case unit is made up of more experienced attorneys that handle major cases.
- There are three bilingual contract attorneys and one full-time bilingual paralegal to help deal with Termination of Parental Rights (TPR)/Children in Need of Services (CHINS) and juvenile delinquency matters.
  - This will hopefully eliminate paying money out of the budget to pay for interpretive services.
- All units are now housed in one building, which will result in long-term savings.
- Hopefully, the Major Case Unit will help alleviate the high expenses associated with death penalty cases in the future.
- Violation of Probation (VOP) cases were previously done by five contractors. It will now be distributed to full-time employees.
- The savings will allow the part-time employees to receive more money.

Chair Vaughn asked if public defenders are provided for simple traffic tickets. Mr. Hill answered that they are only provided for misdemeanor cases.

Ms. Green discussed the Public Defender Agency's budget, including the following key points:

- 2010 Budget request is the base budget, excluding grants
- The increase reflected in the budget books indicates that the PDA's Character 01 budget has an increase of about \$2.3 million. This amount is including potential grant money.
- The increase in salaries is attributed to the increase in the Public Employee Retirement Fund (PERF) rate for the County and for increase to attorneys that will do that work that was previously done by the V.O.P. contract attorneys.
- The decrease in Supplies is the result of removing printers and fax machines throughout the agency and replacing them with all-in-one copier units.
- The decrease in Services is due to the redistribution of Information Services Agency (ISA) charges and efficiencies obtained through the renegotiation of their building lease.
- The increase in Capital is to purchase a vehicle for the usage of the investigators, as they currently use "pool cars."

Chair Vaughn asked what the difference is between misdemeanor cases assigned to traffic court and those assigned to the misdemeanor court in the City-County building. Mr. Hill answered that the ones assigned to traffic court are vehicular related, such as wreckless driving, driving while intoxicated or driving while suspended. Chair Vaughn asked why not just transfer all misdemeanor cases from traffic court to misdemeanor court. Mr. Hill answered that there is such a high volume of cases that are related to traffic offenses, and the PDA misdemeanor caseload is so heavy. For example, as of mid-year, the PDA had over 8,000 misdemeanor cases.

Councillor Moriarty Adams asked if the PDA will have enough money to do the death penalty cases if they do not receive the requested grants. Ms. Green answered in the affirmative. She said that they applied for an additional appropriation in 2009 for the active death penalty cases, which is included in the 2009 projected spend. The amount requested will carry over into 2010, and an additional appropriation will not be requested in 2010. Ms. Green said that they do receive 50% reimbursement on all of their expenses for death penalty cases.

Councillor Moriarty Adams asked if the current budget for the PDA includes any stimulus money. Ms. Green answered in the affirmative, and stated that they received a two-year grant. Councillor Moriarty Adams asked if the PDA has applied for other grants. Ms. Green answered in the affirmative. Councillor Moriarty Adams asked if any of the PDA's current operations will be affected if the requested grants are not received. Ms. Green answered in the negative, and stated that the grants that they have requested are for all new programs. Councillor Moriarty Adams asked if grants should be included in the introduced budget since agencies are not certain that the grants will be received. Jason Dudich, Deputy Controller, Office of Finance Management (OFM), said that OFM has given agencies authority to include federal or state grants. He said it is done this way so that agencies do not have to repeatedly come to the Council to get pieces of grant appropriations to spend.

Councillor Pfisterer asked if the PDA is certain that all of the death penalty cases will need a public defender. Mr. Hill answered in the affirmative. Councillor Pfisterer asked if recoupment collections are outsourced. Mr. Hill answered in the negative, and stated that the PDA simply encourages clients to pay according to a court order. They do not actively collect payment, because they cannot force or require clients to pay, and clients cannot be jailed or reported for non-payment.

Councillor Pfisterer asked if there is no consequence, why charges are levied. Mr. Hill said that it helps if clients are able to pay, but it will never fund their budget or be a solution to funding problems.

Councillor Pfisterer asked why there is a line item for medical supplies. Ms. Green answered that it is for medical and psychological records, and should probably not be listed as supplies. She said the expense has increased over the years.

Councillor Brown asked what the additional \$2 million in revenues is attributed to. Ms. Green answered that it is federal stimulus money. Councillor Brown asked if it is possible that the money may not be received. Mr. Dudich answered in the affirmative, and stated that the money is anticipated, but if it is not received, it will not be included in the budget.

Councillor Scales asked if other municipalities in the state also try to collect recoupment fees. Mr. Hill answered that it is a state law, and applies to every public defender case in the State. If the judge renders that a client is partially indigent and may be able to pay some part of their fees, it applies to the case. He said, however, there is no consistent practice of trying to recoup those fees.

Councillor Hunter said that the Character 03 difference, as Ms. Green explained it, shows a decrease of \$1.5 million, but the decrease is about \$1.1 million according to the budget. Ms. Green said that her chart reflects their base budget request at \$1.5 million, excluding grants and the \$800,000 appropriation that was just recently received for death penalty expenses. She said if the grant funds are received, the decrease will be smaller. Mr. Dudich explained that if the \$2.4 million of federal stimulus money that is anticipated is added to the amount that Ms. Green has shown, it would equal out. Councillor Hunter asked if there is a way to include a separate column in the budget book to denote what grant monies have been requested.

Chair Vaughn asked if salaries of the PDA and Prosecutor's Office are in parity. Mr. Hill answered that they are getting closer to being equivalent, but he does not feel that they are there yet. Chair Vaughn asked if the PDA's certified internship program is the same model as the one for the Prosecutor's Office. Mr. Hill answered in the negative, and stated that with their program, law students typically do volunteer work if they do not have a certain amount of hours and have not yet graduated. He said paid interns have usually already graduated, taken the bar and are awaiting the results. He said they are typically grooming their interns to work within their office for more than five years.

Chair Vaughn asked who is represented by an attorney for TPR/CHINs cases. Mr. Hill answered that the attorney represent the parents and families. Chair Vaughn asked if the PDA provides representation for children. Mr. Hill answered that they provide services to children by providing to their families, but they do not provide to children specifically. Ms. Green answered that they may also have to cover multiple family members, such as in a case where there may be more than one child with more than one father.

Councillor Scales asked if the PDA works with Court Appointed Special Advocates (CASA). Mr. Hill answered that they try to have cooperative efforts in cases, but they may not be on the same side of the issue. Chair Vaughn said that courts appoint guardian ad litem. Councillor Scales

asked if the PDA has access to CASA reports that have been court ordered and presented to a judge. Mr. Hill answered in the affirmative.

Ms. Green continued her presentation:

- Public defender total revenues 2008-2010
  - The PDA occasionally provides copies of depositions to other counsel and receives a chargeback.
  - The difference between the 2009 actual projected and what was projected last year is due to proration, as the Public Defender Commission (PDC) did not have enough money in their funds to give the PDA the amount they expected.
- Major revenue sources
  - Recoupment fees increased in 2008 and even more in 2009.
  - The Non-capital Case Reimbursement Fund is higher in 2009 because the PDA will receive 50% of all money that has been spent out in 2009 on the active death penalty cases.
- Recoupment fees
  - The 2009 projected amount is a best guess based on caseload and how much could be collected if there was an all out effort with requesting the recoupment fees.
  - It is anticipated that by the end of 2009, the recoupment fees should total around \$275,000 or \$300,000.

Pat Andrews, Vice President, Marion County Alliance of Neighborhood Associations (MCANA), asked if the PDA will have a balanced budget for 2009. Ms. Green answered that they anticipate that they will be over by half a million dollars for their 2009 budget. Ms. Andrews asked where that money will go. Ms. Green answered that it will go back to the County General Fund. Ms. Andrews asked what the Judicial line item is for. Ms. Green answered that contract attorneys mostly fall in that category. Ms. Andrews asked how many cases the PDA has. Mr. Hill answered that they currently have more than 35,000 cases.

#### Department of Public Safety (DPS)

Mark Renner, Interim Director, DPS, discussed the budget of DPS, including the Office of the Director, Emergency Management and Animal Care and Control. His presentation is attached as Exhibit B and includes the following key points:

#### Office of the Director

- Director's office consists of the following positions:
  - Director - vacant
  - Deputy director
  - Administrative assistant
  - Executive assistant
  - Indianapolis Violence Reduction Partnership (IVRP) coordinator
  - CFO
  - Financial Analyst
  - Special Projects

- Interpretation Division provides interpretive services for the Indianapolis Metropolitan Police Department (IMPD), the Citizen's Police Complaint office, and the Mayor's office.
- Director's office 2010 budget
  - Crime prevention funds of \$4,000 are for new crime prevention programs that will be available if the Council authorizes the requested budget.
    - The Director's office has fiscal responsibility for the funds, but does not make the decision as to what programs receive the funding.
  - The amount given for federal stimulus grants has already been awarded for the Transitional Jobs Program under the Re-entry division.
    - This is a re-entry program that is anticipated to be running by the end of 2009 or early 2010.
    - The Director's office has fiscal responsibility for these funds.
  - DOJ re-entry grant
    - Earmark grants from Congressman Carson's office for re-entry efforts are linked to First Day Out and Liberty Hall.
    - These funds will be monitored by the Re-entry division.
    - Director's office has fiscal responsibility for these funds as well.
- Director's office 2009 budget highlights
  - Weights and Measures division is ready to move to South Shelby Street with the rest of the Office of Code Enforcement.
  - David Reynolds, City Controller, Office of Finance and Management (OFM), and the Grants unit have worked very hard to put together a comprehensive grants application package.

Councillor Pfisterer asked if the increases in Consulting charges and Tech services is related to stimulus money that is being used for a specific project. Valerie Washington, CFO, answered in the affirmative. Councillor Pfisterer asked what the \$4 million in the Other line is for. Ms. Washington answered that it is the Crime Prevention money.

Councillor Brown asked about the IVRP coordinator position. Ms. Washington said that position carried over from the County when the Justice Agency was dissolved. Councillor Brown asked if John Von Arx works for the Director's or Mayor's office. Director Renner answered that his salary is paid by the Director's office, but he is detailed to the Mayor's office to work for public safety agencies as well as the Mayor's office on other assignments through a memorandum of understanding (MOU) between former Director Scott Newman and the Mayor's office. Ms. Washington clarified that Mr. Von Arx is Animal Care and Control's public information officer (PIO), so his salary is currently paid out of their budget. However, his salary will likely be moved under the Director's office's budget, because the Director's office, Emergency Management and Animal Care and Control's budgets are basically one pot of money. Councillor Brown asked if Peace in the Streets is being run out of the Director's office. Director Renner answered in the negative, and stated that it is officially run out of IMPD.

Councillor Brown asked if the programs that have received the Crime Prevention Grant money will provide a progress report to the Director's office. Ms. Washington answered in the affirmative, and stated that they are working closely with the Greater Indianapolis Progress Committee (GIPC), who handled the application process, to bring in an evaluator who will provide a report.

Emergency Management Agency (EMA)

Director Renner introduced Jim White, Administrator, Emergency Management, and stated that Mr. White came to EMA through a partnership agreement with IUPUI, was previously in this position, and is a professor of Emergency Management and Criminal Justice at IUPUI's School of Public and Environmental Affairs.

Ms. Washington distributed a spreadsheet of EMA's budget by fund (attached as Exhibit C). Director Renner discussed EMA's budget. His presentation is included in Exhibit B and highlights the following key points:

- Mr. White explained the Urban Area Security Initiative (UASI).
  - It is a result of the terrorist act of 9-11.
  - The federal government decided to look at the way they were funding emergency management agencies around the country.
  - Indianapolis was one of the first cities selected to be an urban area.
  - Each urban area receives a portion of the funding each year in a competitive manner.
  - The initiative is structured to increase response capabilities, communication in operability, and to protect citizens.
- EMA 2010 budget by character
  - Character 03 is where all of the grant funding is located.
- EMA 2009 budget highlights
  - The previous outdoor warning notification system was previously sounded in all areas no matter the area of a tornado spotting.
    - This created a lot of confusion.
    - The activation of the sirens has been segmented by sending a signal to a specific weather box, so that it only sounds in a particular area.
    - A mass notification system has also been instituted to notify citizens in various ways, such as telephone, computer, blackberry, etc.
      - Citizens must sign up for this mass notification system.
  - Working on a comprehensive plan, with respect to protection and services, for the Super Bowl.

Councillor Pfisterer asked if technology is being taken into account in preparation for the Super Bowl, and if EMA is communicating with other cities that are hosting other events. Mr. White answered in the affirmative, and stated that they have contacted all of the cities that have hosted Super Bowls in the last five years, with special attention on Detroit, Michigan.

Director Renner introduced Greg Hall, Deputy Director of Emergency Management, and continued his presentation:

- EMA 2010 base budget adjustments
  - The increase in the UASI grant funding is because there was a portion of the 2008 UASI funding that did not get placed in the 2009 budget. Therefore, that portion is being included in the 2010 budget.

- EMA 2010 budget challenges
  - There are challenges in keeping up with UASI grant initiatives because of the need for a full-time financial analyst.
  - Some of UASI funds may be used to help with training on new systems for Super Bowl readiness.
  - EMA needs to be in a new facility a year from now. May be able to use UASI funds.
  - Need to have at least one regional emergency operational center (EOC).
  - It is important to get people to understand that they need to have disaster kits at home, including flashlights, weather radios, blankets, books and toys for children and food for pets.

[Clerk's note: Councillor Moriarty Adams left at 7:23 p.m.]

Director Renner said they have been working, in partnership with the Indiana Department of Homeland Security (IDHS) and the National Guard, on ways to partner on a regional EOC. He said they have looked at possible sites, done some reviews and analysis, and looked at possible funding sources. He said they will report back to the Committee once a final plan has been developed.

Councillor Pfisterer said the budget shows that federal grants between last year and this year are significantly down. She asked if it is due to the regional approach and the money being more widely dispersed. Mr. White answered in the negative, and stated that it is because EMA has not re-allocated the money as they should have. He said that UASI did not get cut much, and the good thing is they tell the agency exactly how much it will receive.

Councillor Hunter asked about the two positions that were eliminated through the termination of the Indianapolis Code Analysis Center, as it states that the positions were picked up by the Intelligence Fusion Center. However, the Federal Bureau of Investigations (FBI) has requested that the Fusion Center be moved to the State Police. He asked if this change would hurt EMA. Mr. White answered that it would only hurt them if the Fusion Center, regardless of location, no longer provides EMA with the information they need. Councillor Hunter asked if there is any indication that the information will not be shared. Director Renner answered in the negative, and stated that they have been guaranteed to continue to receive the intelligence they require.

Councillor Hunter asked if the increase from \$59,000 to \$305,000 in Character 03 has anything to do with the equipment maintenance and repair. Ms. Washington answered that it is the \$297,000 that was originally paid by ISA for the surveillance cameras contract. She said it is now in the EMA budget.

Rev. Mmoja Ajabu, Light of the World Christian Church, said that last year was the first time that the Crime Prevention funds were allocated, and as he understands it, it was supposed to be \$5 million from the City's budget for this effort. However, the budget indicates that the allocation is \$4 million. He asked where the additional \$1 million is. Chair Vaughn answered that that the ordinance that raised the County Option Income Tax (COIT) did not specify how the money was to be spent. It simply stated that the money would be spent for Public Safety in general, and that is why he voted against the ordinance. Chair Vaughn said that the plan that was presented stated that \$5 million would be spent on crime prevention. Councillor Hunter added that the ordinance did not specify that the money had to be spent in a particular place; and he, therefore, offered an



amendment last year to have administrative oversight over spending of the funds, which resulted in a reduction of last year's allocation of about \$875,000. However, this amount was a not-to-exceed amount, and GIPC was contracted to provide the administrative oversight and analysis. At this point GIPC has not spent nearly \$875,000. Rev. Ajabu asked if an analysis has been given on the progress. Chair Vaughn answered that the process has not yet been going on for a year, so no reporting is possible at this point. Ms. Washington said that GIPC has just completed a request for proposal (RFP) process to bring in an outside evaluator, and the second round of funding for all of the fund recipients was just recently issued. Rev. Ajabu asked if the RFP process for an evaluator has closed. Ms. Washington answered in the affirmative. Councillor Brown agreed that an exact amount was not put into the actual ordinance, but there was a promise made to the public by the previous Council administration and Mayor that \$5 million would be given for crime prevention programs. Mr. Reynolds added that the administrative amount came out of the first round of money and will not come out of the second round, because OFM will also be assisting GIPC in the administration of the grant, so it will be complete program money. Chair Vaughn said, as a policy decision last year, \$4 million went to programming and that is how it is being allocated this year. Councillor Pfisterer added that the money for crime prevention comes from taxpayers, regardless of the amount.

Rev. Ajabu said that he also has a concern with the vehicles that were purchased for public safety purposes, as they were not American-made vehicles and they were purchased outside of Indianapolis. He said that he feels that the money should be kept within the County and should support minority businesses when possible.

Ms. Andrews asked how much of the total Crime Prevention grant was paid out in 2009. Ms. Washington said that she believes they have paid \$250,000 to GIPC, thus far. She said they are planning to spend no more than \$150,000 to \$200,000 for an evaluator. Ms. Andrews asked what happens to any remaining money. Mr. Reynolds answered that the intention is to encumber the money to be used to evaluate both rounds of grant funding. He said that the administrative amount was actually reduced to \$675,000, and that originally included two years of administration from GIPC and one year of evaluation, but it will now cover one year of administration and two years of evaluation, with OFM providing the second year of administration. Ms. Andrews asked if an agency can apply for the grant funding during the second phase if they did not get it the first year. Mr. Reynolds answered in the affirmative.

Ms. Andrews asked if the UASI money can be sent to another county to purchase equipment. Mr. White answered in the affirmative, and stated that the UASI money is not the City's money. It is awarded to the UASI that encompasses Marion County and Hamilton County. In addition, the IDHS has asked EMA to take a regional approach to the allocation of the funds that they receive. Mr. White said they also report to the Council, as well as the IDHS, on where the funding is used.

Councillor Brown asked if the company that will do the evaluating of the Crime Prevention Grant program will be from Marion County. Ms. Washington answered that she believes that all of the companies from which they have received RFPs are from Marion County. She said they have interviewed five of the companies, and those companies were all from Marion County.

Animal Care and Control (ACC)

Director Renner discussed Animal Care and Control's budget (included in Exhibit B), highlighting the following key points:

- Administration costs include ISA charges, vehicle lease payments, building rent, telephones, and personnel.
- ACC 2010 base budget adjustments
  - The increase in Character 01 is about \$62,000 to cover salaries and associated fringes for union employees.
- ACC 2009 highlights
  - Donations of pet food and cat litter accounted for reduction in the supply budget.
    - ACC will receive two semi-truck loads of cat litter.
  - ACC is looking for someone to provide spay and neuter services with the grant received from PetSmart Charities.
  - Steve Talley, former ACC administrator, was instrumental in getting the donation of cat litter, as well as helping ACC obtain other donations.
- ACC 2010 budget challenges
  - Funding overtime continues to be a challenge. Historical figures, including kennel and field operations, are:
    - 2006 - \$150,000
    - 2007 - \$172,000
    - 2008 - \$199,000
    - Year-to-date \$140,000
    - To help address overtime issues, ACC needs to pull together resources through IndyStat.
    - ACC has been asked to put more on the animal control officers (ACOs) in doing street sweeps and making sure that neighborhoods are safe from animals.
  - Doug Rae, ACC Administrator, is looking at revenue sources that may allow ACC to bring in an on-staff veterinarian.
  - Adding additional ACOs will help bring down response times and allow ACC to do a better job for the citizens.

Ms. Washington said that funding had previously been set aside in the ACC budget to fund a public purpose grant that was dedicated to help fund IndyFeral's spay/neuter initiatives for feral cat colonies. However, they entertained the idea of not funding this initiative because the funding would come directly out of the ACC budget. She said, fortunately, they have identified funds in the budget of the Director's office that they would like to use as a public purpose grant in the amount of \$10,000 for IndyFeral. Ms. Washington said that this would require Council action and approval.

Councillor Hunter asked if \$10,000 is the amount that IndyFeral historically receives. Ms. Washington answered that IndyFeral received \$15,000 in 2008 and \$15,000 in 2009. She said she is asking for \$10,000 due to budget constraints on the DPS budget. Councillor Hunter asked why the money could not be put in the ACC budget and taken from there. Ms. Washington answered that the budgets of the Director's office, EMA, and ACC are all one pot of money, but they are tracked separately.

Councillor Hunter asked about the licensing fee ordinance. Director Renner said that the Advisory Board is working on implementing a licensing fee, but they have not gotten anything prepared yet. Councillor Hunter asked if the current \$4 adoption fee is a violation of the City Code. Director Renner answered that there is an ordinance that sets the adoption fee, and ACC unintentionally violated that Code. He said that ACC is working to correct that issue.

Councillor Pfisterer asked if the appropriation for IndyFeral will come before the Committee in the form of a proposal. Jeff Seidenstein, OFM, answered in the affirmative. Councillor Pfisterer asked if ACC has considered asking the IU Veterinary School interns to work with them. Ms. Washington answered that she believes that Mr. Rae is exploring the option of working with interns from a variety of schools, and has possibly had discussions with Purdue University.

Councillor Brown asked about the note on Exhibit C that states that the salaries for the Director and Deputy Director were moved to Character 03. Ms. Washington answered that Exhibit C applies to Emergency Management only. She said the money was moved because Director White and Deputy Director Hall are paid on contract because of their relationships with IUPUI and Health and Hospital, respectively.

Ms. Andrews asked if the initiative for licensing fees will go before the Council. Director Renner said that it is an initiative of the Advisory Board, but he believes that it will go before the Council. Ms. Washington added that they did not estimate any revenue from licensing fees because it is premature and they are not sure of the logistics of collecting the fees. Chair Vaughn said it is important to note that the Advisory Board is not a board that reports to DPS. Ms. Andrews asked if ACC would have an idea of how much could be collected through the fees once it is finalized. Ms. Washington answered in the affirmative. Director Renner added that they would request that the fees generated would be funneled back to ACC for spay/neuter initiatives. Ms. Andrews asked if the township trustees have a licensing fee for dogs in cases where they may kill cattle or sheep. Councillor Cockrum answered that he believes that to be true, but he is not sure if it is still in effect.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 8:26 p.m.

Respectfully submitted,

Ryan Vaughn, Chair  
Public Safety and Criminal Justice Committee

RV/nsm

Members of the Public Safety and Criminal Justice Committee

August 26, 2009

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# Marion County Public Defender Agency

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2010 Budget Presentation



## 2008/2009 Accomplishments

- Creation of a certified legal intern program
- Restructuring of staff enabling us to respond to significantly less funding without decreasing services
- Creation of a Major Case Unit within the Major Felony Division

## 2008/2009 Accomplishments

- Obtained grant funding for two new programs
  - Adult and Juvenile Alternative Placement Program - ICJI – Byrne grant
    - 2 Master Social Workers evaluate clients and oversee MSW & BSW Intern Program
  - Juvenile Hispanic Services – Federal Stimulus
    - 3 Bilingual Contract Attorneys and 1 Full time Bilingual Paralegal

## 2008/2009 Accomplishments

- Gained support for revision of commission standards from the Indiana Public Defender Commission as a result of D-Felony caseload study
  - Previous standard increased from 150 to 225 cases per year
  - Eliminated positions through attrition
  - Enabled an increase in salary for the majority of attorneys

## 2008/2009 Accomplishments

- Completed merger of Juvenile and Adult Staff – removing Juvenile staff from sub-standard working conditions

## 2008/2009 Accomplishments

- Community Outreach - Assisted in efforts to reduce crime and recidivism by distribution of information through:
  - Summer Celebration, Black Expo
  - Hispanic Outreach Program - Fiesta
  - Indy Pride
  - Diversity Job Fair
  - Bench Bar Conference
  - Peace in the Streets Rally
  - Mental Health: PAIR and Court 8 Initiative

## 2010 Challenges

- Surge of TPR/CHINS as a result of Statewide initiatives remains a budgetary and staffing problem; we can not meet commission standards
- Increased costs of litigating death penalty cases associated with 4 currently active cases (1 currently set for trial in 2009 & 2 set for trial in 2010)

## 2010 Challenges

- We continue to assist with efforts to collect recoupment fees for partially indigent clients
- Currently we are facing a staffing shortage at traffic court



## Current Saving Initiatives

- Responding to reductions in – Contractual Services
  - \$145,000 reduction by bringing in-house V.O.P work
  - \$100,000 by reduction of 2 - Misdemeanor Appeal, 1- Conflict and 1- Major Felony contract and reallocating work through existing staff
  - Eliminating reimbursement of contract attorney expenses

## Current Saving Initiatives

- Through collaboration with Universities
  - Summer and Fall Law Clerk Interns – saving approximately \$115,000 per year
  - Social Worker Interns – Part of the grant funded Adult and Juvenile Alternative Placement program – increasing services without increasing budget

## Proposed Savings Initiatives

- Completion of Major Case Unit to increase the agencies control over expenditures and reduce expenses in the areas of paralegal, investigation and mitigation
  - Initial cost of \$184,000 for 3 positions
  - Savings anticipated at \$65,000 per year (based on 2009 midyear expenses of outsourcing)

## 2010 Budget Request

(excluding grants)

	2009 Projected	2010 Request	Difference
01 – Salaries	\$12,402,433	\$12,560,656	\$158,223
02 – Supplies	\$51,431	\$47,650	(\$3,781)
03 – Services	\$6,225,585	\$4,671,257	(1,554,328)
04 – Capital	\$2,500	\$22,500	\$20,000
Total	\$18,681,949	\$17,522,063	(1,379,886)

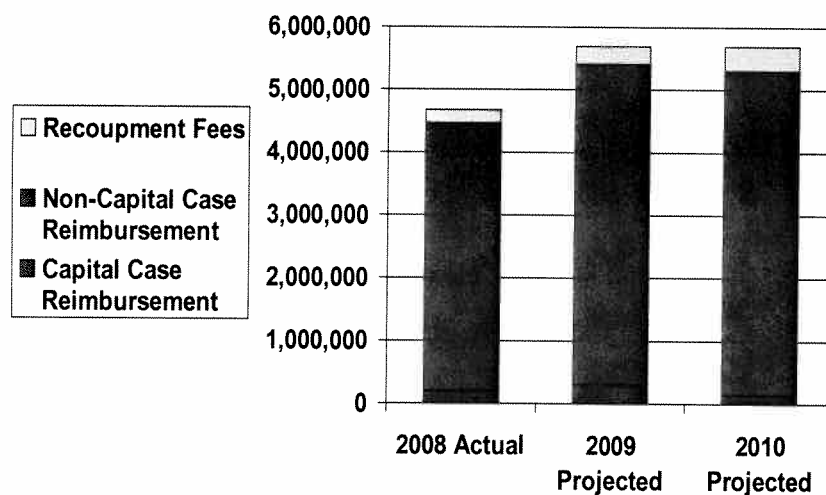
## Public Defender Total Revenues: 2008 – 2010 (excluding grants)

### **Revenues include:**

- Photocopy Fees
- Supplemental Public Defender Fees (Recoupment)
- Capital Case Reimbursement
- Non Capital Case Reimbursement
- CLE Class

	Actual/Projected
2010	\$5,700,000
2009	\$5,972,055
2008	\$5,320,286

## Major Revenue Sources



## Public Defender Supplemental Fund (Recoupment Fees)

- Two Types for partially indigent
  - 1) IC 35-33-7-6 Fee (at initial hearing)
    - Felony \$100.00
    - Misdemeanor \$50.00
  - 2) IC 33-40-3-6 Reimbursement of Costs (at any stage)
    - Reimbursement of reasonable attorney fees and costs may be collected for Misdemeanor, Felony and Juvenile Delinquency

## Recoupment Fees IC 35-33-7-6 & IC 33-40-3-6

	Y.T.D or Actual	Projected/Budgeted
2010	-	\$400,000
2009	\$172,164	\$925,000
2008	\$217,095	\$200,000

## Non-Capital Case Reimbursement I.C. 33-40-6

	Y.T.D or Actual	Projected/Budgeted
2010	-	\$5,150,000
2009	\$3,839,145	\$4,790,000
2008	\$4,910,538	\$6,050,000

## Capital Case Reimbursement IC 33-40-6

	Y.T.D or Actual	Projected/Budgeted
2010	-	\$150,000
2009	\$170,148	\$257,055
2008	\$191,500	\$160,000

## Summary

- We made requested cuts to our budget, and re-allocated resources in order to maintain our level of representation.
- There are still areas in need of improvement due to overwhelming caseload numbers. (TPR/CHINS and traffic court)

## Summary, con't

- Control over spending becomes more difficult as death penalty cases approach trial
- The Agency is participating in the competitive grant process in order to secure funds both for programs that will impact the justice system and to secure funds unavailable in our budget.

## Summary, con't

- New stimulus monies we have requested have not yet been approved, and there is no guarantee they will be approved

## Questions

- Contact:


Deborah Green, Chief Operating Officer  
327-4458 or [dlgreen@indy.gov](mailto:dlgreen@indy.gov)



## Department of Public Safety

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### 2010 Budget Presentation



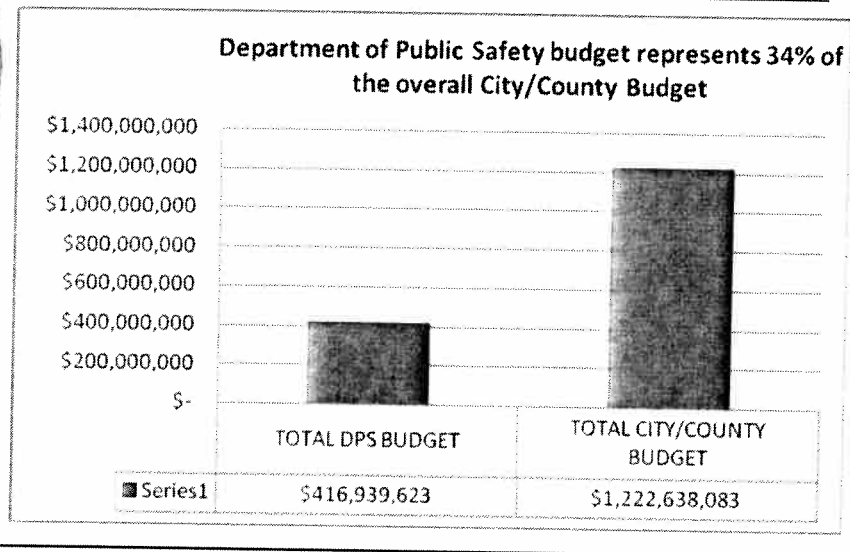
## Department of Public Safety Overview

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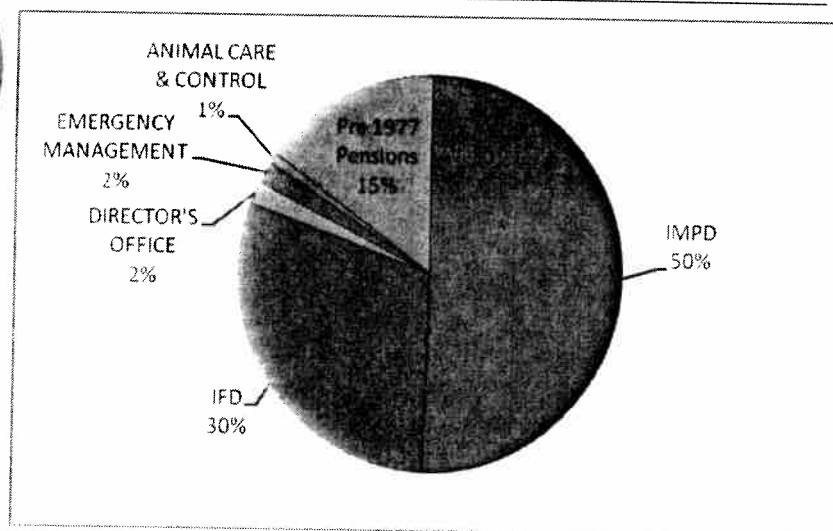
- Five divisions comprise the Department of Public Safety:
  - Director's Office
  - Animal Care & Control
  - Emergency Management
  - Indianapolis Metropolitan Police Department
  - Indianapolis Fire Department




## Department of Public Safety Overview



## Department of Public Safety Budget Overview by Division





## Department of Public Safety

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- This evening's presentation will focus on the following DPS divisions:
  - Director's Office
  - Emergency Management
  - Animal Care & Control
- Accounts for 4% of the total DPS budget

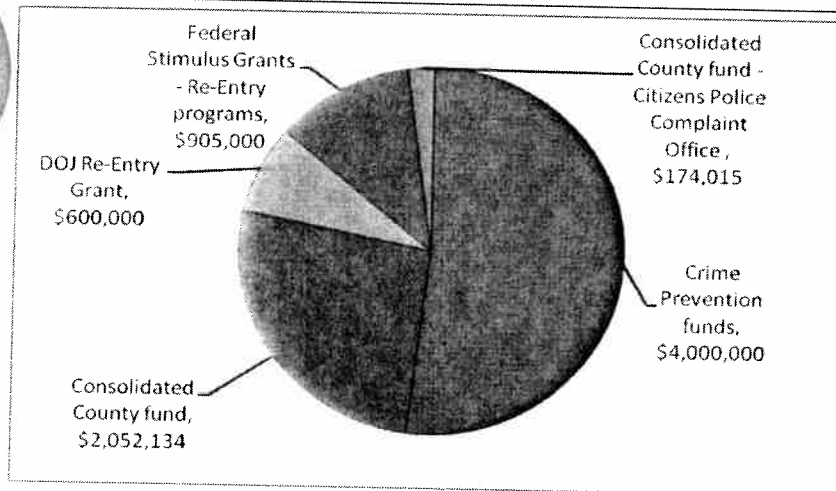


## Department of Public Safety Director's Office - Structure

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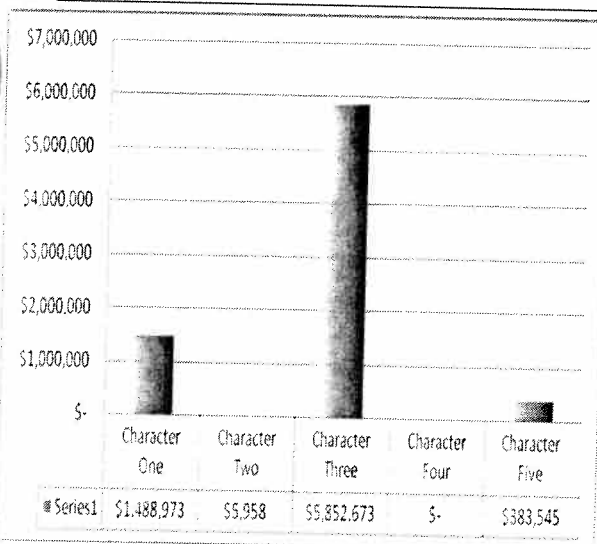
- Provides executive management, administration & financial management for all DPS divisions
  - Administration
    - 8 FTE's
  - Transcription Division
    - 10 FTE's
  - Citizen's Police Complaint Office
    - 3 FTE's
  - Interpretation Division
    - 3 FTE's

## Director's Office 2010 Budget - \$7,731,149



Grant funding makes up 71% of the Director's Office budget

## Director's Office 2010 Budget by Character - \$7,731,149



**Character One**  
-Salaries and Benefits

**Character Two**  
-Office Supplies  
-Computer supplies

**Character Three**  
-Building Rent  
-ISA  
-Contractual attorney  
-Employee parking  
-Telephone operations  
-Crime Prevention funds  
-Re-Entry grant funds

**Character Four**  
no character four funds


**Character Five**  
-Corporation Counsel chargeback



## Director's Office 2009 Budget Highlights

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- Transferred three (3) FTE's to OFM's grant unit
- Created an Interpretation Unit to assist all DPS divisions
- Transferred Weights & Measures division to the Office of Code Enforcement

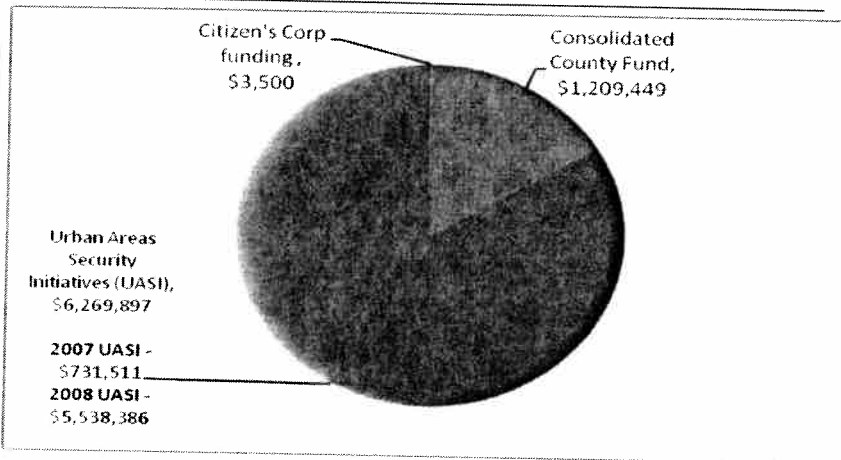


## Director's Office 2010 Base Budget Adjustments

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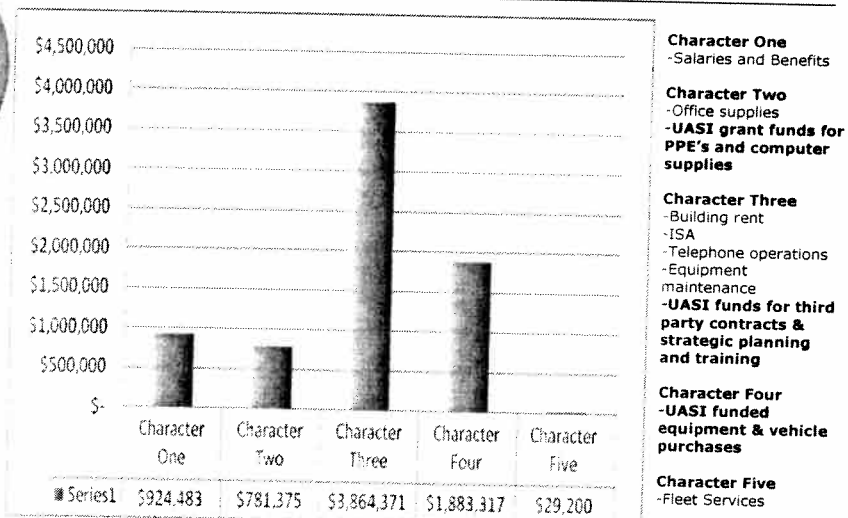
- Oversight of Re-Entry programs including Federal Dept of Justice and JAG Stimulus funding
- Addition of Crime Prevention funds
- Additional funds to cover new ISA chargeback system

## Emergency Management 2010 Budget - \$7,482,746



**Grant funding makes up 84% of the Emergency Management budget**

## Emergency Management 2010 Budget by Character - \$7,482,746






## Emergency Management 2009 Budget Highlights

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- Installed a state-of-the-art Outdoor Warning & Mass Notification system
- Leading public safety Super Bowl Planning Team with local, state, and federal participation
- Created partnership with IUPUI and IU Bloomington, including expanding the internship program to focus on public safety projects
- Partnership with Health & Hospital that will help deal with public health issues



## Emergency Management 2010 Base Budget Adjustments

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- Increase in ISA charge backs
- EM will take over the cost of the surveillance camera maintenance costs
- Increase Urban Area Security Initiative grant funding
  - 2008 funding allocated and added to the 2010 budget



## Emergency Management 2010 Budget Challenges

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- Urban Area Security Initiative Grant Management
  - Need for a full-time analyst
- Regionalization of emergency planning and coordination of resources to achieve UASI compliance
- 2012 Super Bowl planning and training
- Inadequate facility to house the emergency operation center and support administrative functions
- Lack of capital funding to purchase vehicles and make repairs to current facility



## Emergency Management Urban Area Security Initiative (UASI)

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- Department of Homeland Security has mandated a regional approach
  - Working directly with contiguous counties to explain the UASI concept
    - **NOT** an unlimited funding source
    - Programs must show connectivity and year to year consistency
    - Everything must be regionally based



## Emergency Management Regional EOC

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- We have outgrown our current facility
- Working with Indiana Dept of Homeland Security on this initiative
- USAI is a possible funding source for renovation and equipment
  - Not allowed to lease or purchase facilities with UASI funding



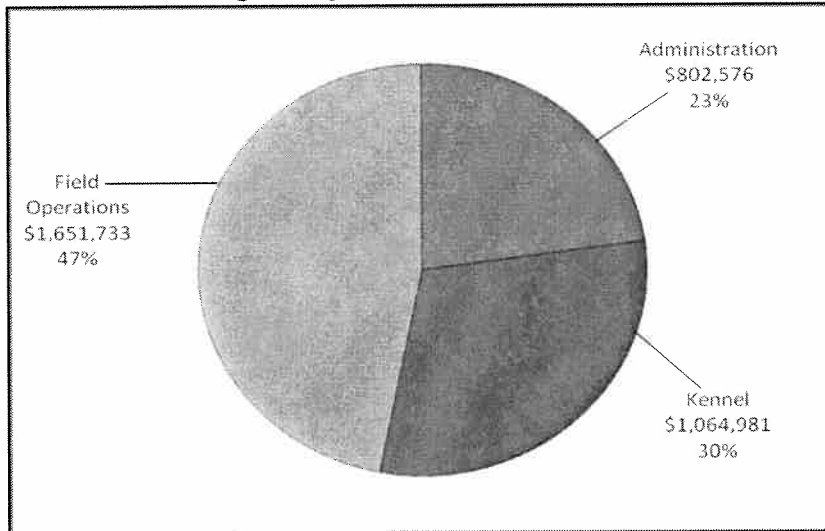
## Department of Public Safety Animal Care & Control - Mission

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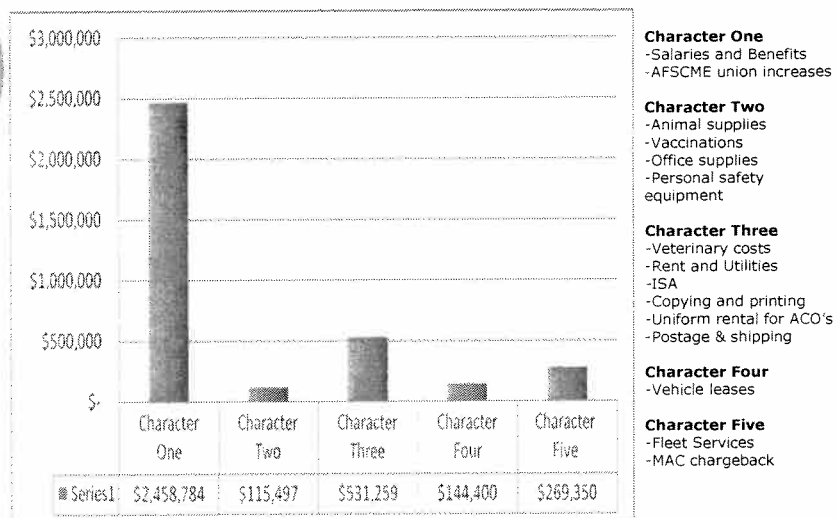
- Works in partnership with the community to promote and protect the health, safety and welfare of people and the pets in Marion County



## Animal Care & Control % of Budget by Division



## Animal Care & Control 2010 Budget by Character - \$3,519,290





## Animal Care & Control 2010 Base Budget Adjustments

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- Increase to character one to cover AFSCME union increases
- Reduced supply budget by 7.3%
  - will solicit donations to help cover costs
- Reduction in ISA charge backs



## Animal Care & Control 2009 Highlights

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- New administration created new management team for improvement to kennel operations
- Received donations from Wal-Mart, Proctor & Gamble, & Kroger that provided over \$80k in savings to date
- Ongoing financial support provided by the Friends of Indianapolis Animal Care & Control foundation – over \$29,000 year to date.
- Received a \$10,000 grant from PetSmart Charities to help fund spay/neuter initiatives



## Animal Care & Control 2010 Budget Challenges

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- Funding AFSCME union increases
- Funding overtime to provide coverage to kennel and field operations
- Funding rising vet care expenses
- Funding to add additional Animal Control Officers



## Animal Care & Control Revenues

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- ACC collects fees for animal adoptions, micro-chipping, kennel fees, and court ordered bonding
- Animal Control Advisory Board is considering a resolution to recommend a licensing fee ordinance
- **Proposed Licensing fees structure:**
  - \$40/yearly fee for unaltered dogs
  - \$15/yearly fee for altered dogs
  - Offer discounts and/or fee waivers with proof of spay/neuter
  - Revenue would help fund spay/neuter initiatives

2010 Proposed Budget

		Consolidated County	Grants	TOTAL ALL FUNDS	NOTES
<b>CHARACTER ONE</b>					
100 - Salaries	\$	266,800.00	\$ 351,435.00	\$ 620,235.00	moved salary for Director and Deputy to character three
120 - Overtime	\$	-	\$ 85,000.00	\$ 85,000.00	grant funding for OT in disaster situations
130 - Group Insurance	\$	45,000.00	\$ 74,761.00	\$ 119,761.00	used blended rate of \$7295/life
140 - Employee Assistance	\$	852.00	\$ 1,420.00	\$ 2,272.00	wellness \$142/life
160 - Pension	\$	19,488.00	\$ 25,479.00	\$ 44,967.00	Increase in PERF rate from 7% to 7.25%, overall decrease due to character three move
170 - Social Security	\$	20,563.00	\$ 26,085.00	\$ 47,448.00	
185 - Workers Comp	\$	1,800.00	\$ 3,000.00	\$ 4,800.00	\$300/life
<b>CHARACTER ONE TOTAL</b>	<b>\$</b>	<b>356,503.00</b>	<b>\$ 567,980.00</b>	<b>\$ 924,483.00</b>	
<b>CHARACTER TWO</b>					
200 - General Office Supplies	\$	1,500.00	\$ 116,400.00	\$ 117,900.00	
205 - Computer Supplies	\$	2,300.00	\$ 205,000.00	\$ 207,300.00	
210 - Materials & Supplies	\$	-	\$ -	\$ -	
215 - Building Materials & Supplies	\$	1,775.00	\$ 50,000.00	\$ 51,775.00	
220 - Repair Parts	\$	-	\$ -	\$ -	
225 - Garage & Motor Supplies	\$	-	\$ -	\$ -	
230 - Institutional Medical & Food Supplies	\$	-	\$ -	\$ -	
240 - Arsenal Supplies & Tools	\$	4,400.00	\$ 400,000.00	\$ 404,400.00	
245 - Uniform & Personnel Supplies	\$	-	\$ -	\$ -	
<b>CHARACTER TWO TOTAL</b>	<b>\$</b>	<b>9,975.00</b>	<b>\$ 771,400.00</b>	<b>\$ 781,375.00</b>	
<b>CHARACTER THREE</b>					
300 - Professional Services	\$	-	\$ 442,000.00	\$ 442,000.00	
303 - Consulting Services	\$	166,032.00	\$ 100,000.00	\$ 266,032.00	contracts for White & Hall (consolidated county)
309 - Technical Services	\$	500.00	\$ 9,000.00	\$ 9,500.00	
323 - Postage & Shipping	\$	57,564.00	\$ 200,000.00	\$ 257,564.00	
329 - Travel & Mileage	\$	-	\$ 48,500.00	\$ 48,500.00	
332 - Instruction & Tuition	\$	-	\$ 20,000.00	\$ 20,000.00	
335 - Information Technology	\$	216,739.00	\$ 21,000.00	\$ 237,739.00	Increase in ISA charge back
341 - Advertising	\$	-	\$ 140,000.00	\$ 140,000.00	
344 - Printing & Copying Services	\$	3,400.00	\$ 4,100.00	\$ 7,500.00	
350 - Facility Lease & Rentals	\$	44,046.00	\$ 270,000.00	\$ 314,046.00	
353 - Utilities	\$	15,400.00	\$ -	\$ 15,400.00	
356 - Equipment Maint & Repair	\$	305,055.00	\$ -	\$ 305,055.00	includes \$297,000 for surveillance camera maintenance
362 - Building Maint & Repair	\$	-	\$ -	\$ -	
368- Insurance Premiums	\$	835.00	\$ -	\$ 835.00	
371 - Memberships	\$	200.00	\$ -	\$ 200.00	
374 - Subscriptions	\$	-	\$ -	\$ -	
377 - Legal Settlements	\$	-	\$ -	\$ -	
380 - Grants & Subsidies	\$	-	\$ -	\$ -	
383 - Third Party Contracts	\$	-	\$ 1,800,000.00	\$ 1,800,000.00	
<b>CHARACTER THREE TOTAL</b>	<b>\$</b>	<b>809,771.00</b>	<b>\$ 3,054,600.00</b>	<b>\$ 3,864,371.00</b>	
<b>CHARACTER FOUR</b>					
410 - Improvements	\$	-	\$ 166,236.00	\$ 166,236.00	
415 - Furnishings & Office Equip	\$	2,000.00	\$ 1,018,265.00	\$ 1,020,265.00	
420 - Equipment	\$	-	\$ 215,000.00	\$ 215,000.00	
425 - Vehicle Equipment	\$	2,000.00	\$ 479,816.00	\$ 479,816.00	
445 - Lease & Rental of Equipment	\$	-	\$ -	\$ -	
<b>CHARACTER FOUR TOTAL</b>	<b>\$</b>	<b>4,000.00</b>	<b>\$ 1,879,317.00</b>	<b>\$ 1,883,317.00</b>	
<b>CHARACTER FIVE</b>					
520 - Fuel & Maintenance	\$	29,200.00	\$ -	\$ 29,200.00	
<b>CHARACTER FIVE TOTAL</b>	<b>\$</b>	<b>29,200.00</b>	<b>\$ -</b>	<b>\$ 29,200.00</b>	
<b>EMERGENCY MANAGEMENT TOTALS</b>	<b>\$</b>	<b>1,209,449.00</b>	<b>\$ 6,273,297.00</b>	<b>\$ 7,482,746.00</b>	